

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on March 23, 2004, and the references cited therewith.

Claims 1, 7-8, 10, 18-19, 25 and 27 are amended, claims 6, 9, and 28 are canceled, and no claims are added; as a result, claims 1-5, 7-8, 10-27, and 29-32 are now pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement filed on February 28, 2002, marked as being considered and initialed by the Examiner, be returned with the next official communication.

§102 Rejection of the Claims

Claims 1, 2, 4, 5, and 18 were rejected under 35 USC § 102(e) as being anticipated by Barber, et al. (U.S. Patent No. 6,690,298). Applicant does not admit that Barber is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Barber reference for at least the following reasons.

Applicant's independent claim 1, as amended, recites a display which can "interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel." From the Applicant's review of Barber, the reference does not describe or address a display to interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel. As such, each and every element of independent claim 1 is not present in the cited reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Rev. 4/04

102 rejection for independent claim 1, as well as those claims which depend therefrom.

The dependency of claim 18 has been amended to claim dependency to independent claim 7. The allowability of independent claim 7 and claim 18's dependency therefrom are addressed below under the 103 grounds.

Claims 25, 27, 29, and 30-32 were rejected under 35 USC § 102(e) as being anticipated by Barber, et al. (U.S. Patent No. 6,690,298). Independent claim 25, as amended, recites "interchangeably displaying a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and displaying a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel." As noted in connection with independent claim 1, the Barber reference does not describe interchangeably displaying a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and displaying a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel. Accordingly, Applicant respectfully request reconsideration and withdrawal of the 102 rejection for independent claim 25, as well as those claims which depend therefrom.

§103 Rejection of the Claims

Claim 3 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298) as applied to claim 2, above, and further in view of Feyereisen, et al. (2002/0132860). For the reasons presented above, Applicant believes that independent claim 1, as amended, is allowable over the Barber reference. Further, the Feyereisen publication does not cure the deficiencies with the Barber reference. That is, the Feyereisen publication does not describe, teach, and/or suggest a display to interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is

maintained in a fixed parallel orientation with a top of the bezel, as recited in independent claim 1.

Since neither the Barber nor the Feyereisen references, either independently or in combination, describe, teach, and/or suggest each and every element of the Applicant's independent claim 1, the references cannot support a 103 rejection for the same. Applicant submits that claim 3, depending from independent claim 1 is thus in condition for allowance.

Claim 6 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298) as applied to claim 5, above, and further in view of Feyereisen, et al. (2002/0132860). Claim 6 has been canceled.

The Examiner had initially rejected claim 6 in view of Barber, Oder, and Feyereisen stating that Barber illustrates wingtip markers (Fig. 3, item 211), Oder illustrates a top bezel (Fig. 2) and Feyereisen shows dynamic motion with a representation of the aircraft (parag 19, lns 10-19; parag 21, lns 1-7).

Barber appears to illustrate an aircraft symbol 211 (see Col. 4, ln. 57), but does not describe or address an illustration which distinguishes aircraft wingtips. Oder appears to illustrate a top bezel, but does not describe aircraft presentation (particularly aircraft wingtips) and/or interchangeably displaying a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and displaying a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel. And further, from Applicant's review of the Feyereisen reference, the Applicant is unable to locate where the reference shows dynamic motion with a representation of [an] aircraft. Paragraphs 19 and 21 appear to describe Instrument Meteorological Conditions (IMC) in connection with an enhanced "T" instrument display (parag 19, lns 10-19) and algorithms to generate display control signals (parag 21, lns 1-7).

Applicant respectfully requests additional clarification or a reference which illustrates a display which can interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other

geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel, as recited in independent claim 1.

Claim 28 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298) as applied to claim 27 above, and further in view of Feyereisen, et al. (2002/0132860). Claim 28 has been canceled.

Claim 26 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298) as applied to claim 25 above, and further in view of Feyereisen, et al. (2002/0132860). Claim 26 depends from allowable independent claim 25.

Claim 7 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298), and further in view of Feyereisen, et al. (2002/0132860).

Independent claim 7, as amended, recites that "at least one display region can interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel." Applicant has demonstrated that neither the Barber nor the Feyereisen references, either independently or in combination, describe, teach, and/or suggest such a limitation. As such, the combination of references does not support a 103 rejection for claim 7. Reconsideration and withdrawal of the rejection for claim 7, as well as the claims which depend therefrom inclusive of claims 8-18, is respectively requested. As noted previously, claim 18 has been amended to claim dependency from allowable claim 7.

Claim 14 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298), as applied to claim 7, and further in view of Feyereisen, et al. (2002/0132860). For the reasons presented above, Applicant believes independent claim 7, as presently presented, is in condition for allowance. Claim 14 is dependent on allowable claim 7.

Claims 19-22, and 24 were rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298), and further in view of Feyereisen, et al. (2002/0132860).

Independent claim 19, as amended, recites that "at least one display region can interchangeably display a dynamic motion for a set of aircraft wingtip markers relative to a geographic horizon line while the horizon line is maintained in a fixed position and a dynamic motion of the horizon line and other geographical features while the set of aircraft wingtip markers is maintained in a fixed parallel orientation with a top of the bezel." Applicant has demonstrated that neither the Barber nor the Feyereisen references, either independently or in combination, describe, teach, and/or suggest such a limitation. As such, the combination of references does not support a 103 rejection for claim 19. Reconsideration and withdrawal of the rejection for claim 19, as well as the claims which depend therefrom inclusive of claims 20-24, is respectively requested.

Claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Barber, et al. (U.S. Patent No. 6,690,298) and Feyereisen, et al. (20020132860) as applied to claim 8 above, and further in view of Oder, et al. (5,475,594). Claim 9 has been canceled.

Allowable Subject Matter

Claim 23 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant kindly thanks the Examiner for acknowledging the allowable subject matter contained in claim 23.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791.

Additionally, please direct all future correspondence regarding this case to:

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS NON-FEE AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 26th day of April, 2004.

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Date:

4/26/2004